

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY LAFAUCI,
Plaintiff,

v.

Civil Action

PETER PEPE, et al.,
Defendants.

ORDER ON SCREENING PURSUANT
TO SECTIONS 1915(e)(2) AND/OR 1915A

Having completed the screening on the merits of plaintiff's complaint pursuant to Sections 1915(e)(2) and/or 1915A:

FINDINGS

1. The complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted:

No Yes as to defendants _____

2. The complaint seeks relief from a defendant or defendants who are immune from such relief:

No Yes as to defendant(s) _____

3. Section 1997e(g)(2) provides that:

"The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits."

42 U.S.C. § 1997e(g)(2).

Is the complaint sufficient to satisfy the pleading requirements for stating a cognizable claim and does the plaintiff have a reasonable opportunity to prevail on the merits against one or more defendants?

a. Yes The Court has so determined and found as to defendant(s):

b. No because the Court has determined that the complaint does not satisfy pleading requirements for stating a cognizable

claim against:

all defendants the defendant(s)

c. No because the Court has determined that the likelihood that plaintiff will prevail on the merits falls short of the "reasonable opportunity" standard of the statute, as to claims against:

all defendants the defendant(s)

d. Cannot say

It is not feasible for the Court to make a determination on these questions on the present record as to claims against:

all defendants the defendant(s) _____.

ORDERS

Based upon the foregoing:

1. The Clerk shall issue summonses and the United States Marshal serve a copy of the complaint, summons and this order as directed by the plaintiff with all costs of service to be advanced by the United States?

No Yes as to all defendants
 only as to defendant(s) _____

2. The Clerk shall dismiss this action unless, on or before the 42nd day from the date of this Order, plaintiff has filed a submission showing good cause why the Court should find that the pleading is sufficient to state a cognizable claim and that plaintiff will have a reasonable opportunity to prevail on the merits of plaintiff's claims against defendant(s)?

No Yes as to all defendants
 only as to defendants _____

3. a. Although defendant(s) may not have been served with a summons and complaint, are the defendant(s) invited but not required to file an answer to aid the Court in reaching a prompt final disposition on the merits?

No Yes as to all defendants
 only as to defendant(s)

OR

b. If the defendant(s) have been served with a summons and complaint, are the defendant(s) required to reply within the time specified in the summons?

No Yes as to all defendants
 only as to defendant(s) _____

4. Plaintiff's Motion Filing This Claim (Docket No. 2) is ALLOWED?

No Yes in it's entirety.
 only to the extent plaintiff seeks to have his complaint filed and assigned a civil action number.

4/20/05
DATE

/s/ Robert E. Keeton
ROBERT E. KEETON
SENIOR UNITED STATES DISTRICT JUDGE